

11th Annual Changes and Trends Affecting Special Needs Trusts

February 5-6, 2015 • Radisson Hotel and Suites, Austin-Downtown • Austin, TX

Thursday Morning, Feb. 5, 2015

Presiding Officer:

Patricia F. Sitchler, Schoenbaum, Curphy & Scanlan, P.C. - San Antonio, TX

9:30 am	Registration Opens Includes light refreshments.
10:20 am	Welcoming Remarks
SPECIAL NEEDS TRUSTS BASICS	
10:30 am 1.00 hr 0.25 hr ethics	Special Needs Trusts Basics, Part I: Fundamentals of SNTs An overview of Special Needs Trusts, defining the different types of SNTs and explaining how these trusts are used to benefit individuals with disabilities. Emphasis is given on how Third-Party SNTs are utilized in estate planning, how Self-Settled SNTs can be used to protect personal injury settlements, inheritances, and other assets belonging to a beneficiary who is on Medicaid, and under what circumstances Pooled Trusts should be considered. Randy Drewett, Attorney at Law - Beaumont, TX Wesley E. Wright, Wright Abshire, Attorneys - Bellaire, TX
11:30 am 0.50 hr 0.25 hr ethics	Special Needs Trusts Basics, Part II: ABCs of Public Benefits The fundamental rules and professional responsibilities every special needs attorney and trust officer should understand to protect eligibility of a trust beneficiary for SSI and Medicaid; and an introduction to other important means-tested benefits. H. Clyde Farrell, Farrell & Pak PLLC - Austin, TX Christina Leshner, The Law Office of Christina Leshner, PC - Houston, TX
12:00 pm	Pick Up Lunch Included in registration.

Thursday Afternoon, Feb. 5, 2015

Presiding Officer:

Patricia F. Sitchler, Schoenbaum, Curphy & Scanlan, P.C. - San Antonio, TX

LUNCHEON PRESENTATION

12:20 pm 0.75 hr	<p>Case Law Update</p> <p>A review of significant cases from the past year, including trends represented in those cases and suggestions for attorneys working with special needs clients.</p> <p>Rebecca C. Morgan, Stetson University College of Law - Gulfport, FL Robert B. Fleming, Fleming & Curti, PLC - Tucson, AZ</p>
1:05 pm	<p>Break</p>
1:20 pm 0.50 hr	<p>Public Benefits Update</p> <p>Recent changes in law and policy affecting SSI, Medicaid and other benefits often needed by special needs trust beneficiaries, plus strategies for responding to those changes on behalf of beneficiaries.</p> <p>H. Clyde Farrell, Farrell & Pak PLLC - Austin, TX Christina Leshner, The Law Office of Christina Leshner, PC - Houston, TX</p>
1:50 pm 0.50 hr	<p>SSI and Deeming: Mystery Solved</p> <p>Calculating deemed income for an SSI recipient is complicated and confusing. Learn the rules and calculations once and for all.</p> <p>Bryn Anne Poland, Law Office of Pi-Yi Mayo - Baytown, TX</p>
2:20 pm 0.50 hr	<p>Medicare and Special Needs Trusts: The Interplay</p> <p>Explore the role of Medicare in special needs trust planning. Many SNT beneficiaries are or will become “dually-eligible” – what does that mean and what do practitioners and Trustees need to know?</p> <p>Mary Alice Jackson, Mary Alice Jackson, P.C. - Austin, TX</p>
2:50 pm 0.75 hr	<p>Update from the Centers for Medicare & Medicaid Services</p> <p>CMS answers some of their most frequently asked questions and provides an opportunity for attendees to get their questions answered.</p> <p>Sally Stalcup, Centers for Medicare & Medicaid Services - Dallas, TX</p>
3:35 pm	<p>Break</p>
3:45 pm 0.75 hr	<p>The View from HHSC and DADS</p> <p>A discussion of long-term care Medicaid eligibility and other current issues from the Texas Health and Human Services Commission (HHSC) and the Texas Department of Aging and Disability Services (DADS).</p> <p>Shari L. Nichols, Texas Health and Human Services Commission - Austin, TX Barry Ray Browning, Texas Department of Aging and Disability Services - Austin, TX</p>

4:30 pm 0.50 hr 0.25 hr ethics	Personal Injury Settlements Subrogation and Lien Issues Medicare, Medicaid, VA, health insurers, disability insurers, hospitals and others all want a share of the personal injury settlement. Find out how much of it the client can keep and how to avoid malpractice in dividing the recovery. Judy Kostura, Judge, Kostura & Putman, P.C. - Austin, TX
5:00 pm 0.50 hr 0.25 hr ethics	Planning for Clients with Traumatic Brain Injuries (TBI) What guardians and attorneys need to know about acquired brain injuries to better understand the needs of their clients. Robert Pierce, The Law Office of Christina Leshner, PC - Houston, TX
5:30 pm	Adjourn to Reception Thank You to Our Reception Sponsor Frost Wealth Advisors

Friday Morning, Feb. 6, 2015

Presiding Officer:

Peyton Taylor, Texas Bankers Association - Austin, TX

7:30 am	Conference Room Opens Includes continental breakfast.
8:00 am 0.50 hr	ABLE Update Recent developments and essential information on the recently passed ABLE Act. New session added as of 1.15.2015. Stephen W. Dale, The Dale Law Firm, PC - Pacheco, CA
8:30 am 1.00 hr	Update on Social Security Administration Treatment of Special Needs Trusts In recent years, the Social Security Administration (SSA) has given more attention to the treatment of self-settled special needs trusts established pursuant to 42 U.S.C. §1396p(d)(4). Get an update on the status of the SSA trust centralization project, review changes in SSA policies, and learn the rules regarding establishing and administering trusts, the interpretation of “sole benefit” and on-going advocacy efforts in support of trust beneficiaries. Mary E. O'Byrne, Frank, Frank & Scherr, LLC - Lutherville, MD

9:30 am 0.75 hr	<p>“Tax Wise” Planning: Funding SNTs with IRAs</p> <p>Learn how to work with a client’s tax and financial advisors to determine when to direct a qualified plan to a testamentary special needs trust, and how to work with the trustee to offset the income generated by the IRA distribution against the beneficiary’s deductible expenses. Through a series of case studies, understand how this strategy can reduce, and in some cases, eliminate the taxable income from the qualified plan.</p> <p>Stephen W. Dale, The Dale Law Firm, PC - Pacheco, CA</p>
10:15 am	Break
10:30 am 1.00 hr 0.50 hr ethics	<p>Problems That Didn't Need to Happen: Attorney and Trustee Perspectives of Trust Drafting and Administration</p> <p>An entertaining and interactive look at different perspectives of drafting to meet unique situations; plus how to handle administration issues, especially when the drafting has gone awry.</p> <p>Moderator: Rebecca C. Morgan, Stetson University College of Law - Gulfport, FL Panelists: Robert B. Fleming, Fleming & Curti, PLC - Tucson, AZ Shawn P. Hughes, Broadway Bank - San Antonio, TX Nancy Sosa, Cadence Trust - Austin, TX</p>
11:30 am 0.50 hr 0.25 hr ethics	<p>Trustees and Managing Real Property</p> <p>Buying a home is often one of the most important items for a special needs trustee to consider. How to title the home, whether to allow others to live with the trust beneficiary, and whether to charge rent are all concerns that have to be addressed. After those tough decisions nothing else can go wrong, right?</p> <p>Robert B. Fleming, Fleming & Curti, PLC - Tucson, AZ</p>
12:00 pm	Pick Up Lunch

Friday Afternoon, Feb. 6, 2015

Presiding Officer:

Renée C. Lovelace, The Lovelace Law Firm, P.C. - Austin, TX

LUNCHEON PRESENTATION

12:20 pm 0.25 hr	<p>Arc’s National Center for Future Planning</p> <p>An update on the Arc’s new online resource designed to give aging family members of adults with intellectual and developmental disabilities the practical assistance they need to plan for the individual’s future, including housing, personal care and daily living supports, decision-making and financial planning.</p> <p>Tresi Moore Weeks, The Weeks Law Firm - Plano, TX</p>
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12:35 pm 0.50 hr	<p>Creating Home in Texas: Housing for Adults with Cognitive Disabilities and Social Challenges</p> <p>A look at the status of safe, affordable housing with supports for adults in Texas with cognitive disabilities and social challenges, as well as plans to address this emerging social issue. An example of an independent living assessment is also provided.</p> <p>Robin LeoGrande, Community for Permanent Supported Housing - Plano, TX Commentator: Tresi Moore Weeks, The Weeks Law Firm - Plano, TX</p>
1:05 pm	Break
1:20 pm 0.50 hr	<p>1301 Management Trusts</p> <p>Creating an SNT for an individual with a disability who is otherwise competent, the requirements of SSA on who can petition the Court to create the trust, plus possible solutions.</p> <p>Pi-Yi Mayo, Law Office of Pi-Yi Mayo - Baytown, TX</p>
1:50 pm 0.75 hr 0.50 hr ethics	<p>Special Needs Trusts and Divorce</p> <p>The importance of collaboration by divorce attorneys and special needs trust attorneys during the divorce and beyond.</p> <p>Keith D. Maples, Noelke English Maples St. Leger Blair, LLP - Austin, TX Marilyn G. Miller, Attorney at Law - Dripping Springs, TX</p>
2:35 pm 0.50 hr	<p>Closing Special Needs Trusts (with Current Medicaid Changes)</p> <p>A review of the steps, including probate proceedings and Medicaid reimbursement requirements, necessary to close administration of an SNT upon the death of the beneficiary.</p> <p>Donald F. Carnes, Hill Ducloux Carnes & de la Garza - Austin, TX Nancy Sosa, Cadence Trust - Austin, TX Co-Author: David J. Reber, Johnson Jordan Cresswell Monk, PC - Dallas, TX</p>
3:05 pm 0.75 hr	<p>Disabilities and Degrees</p> <p>College graduates with disabilities must often tackle many challenges in finding and maintaining employment while also retaining the medical and assistance services they need from public benefits programs. Gain insight into some of the most commonly-used work incentive programs, common problems graduates encounter, and new Texas innovations to help graduates transition from the campus to employment.</p> <p>Moderator: John V. Coburn, Department of Assistive and Rehabilitative Services - Austin, TX Panelists: Renée C. Lovelace, The Lovelace Law Firm, P.C. - Austin, TX Larry K. Phillippe, Ed.D., Texas Tech University - Lubbock, TX</p>

3:50 pm

Adjourn
